

Contents



Foreword	VIII
Acknowledgments	IX
Select List of Acronyms	XI

PART 1

Introduction

1	Introduction	3
1.1	Origin of the Study	3
1.2	Refugee Camp Security – A Matter of International Concern?	7
1.3	Contemporary Issues in Refugee Camp Security	14
1.4	Subject Matter	20

PART 2

Theoretical and Conceptual Framework

2	Theoretical and Methodological Underpinnings	27
2.1	Introduction	27
2.2	Applicable Fields of International Law	28
2.3	Grasping Legal Positivism	30
2.4	Traditional Sources of International Law	33
2.5	Specifically on Methodological and Material Boundaries in Legal Scholarship	71
2.6	Conclusions	96
3	Key Concepts and Definitions	99
3.1	Introduction	99
3.2	Responsibility	101
3.3	The Refugee Camp	103
3.4	Refugee Camp Militarization	119
3.5	The Civilian and Humanitarian Character of Asylum/Refugee Camps	136
3.6	Protection, Safety and Security	157
3.7	Conclusions	165

PART 3

Identifying Refugee Camp Responsibility: Host States, UNHCR and “Implementing Partnerships”

- Introducing Part 3 168
- 4 The Host State 170**
- 4.1 Introduction 170
 - 4.2 Generally on the System of State Responsibility 174
 - 4.3 International Human Rights Law as a Tool for State Responsibility 177
 - 4.4 International Refugee Law as a Tool for State Responsibility 181
 - 4.5 International Humanitarian Law as a Tool for State Responsibility 184
 - 4.6 Attribution of Conduct to the State 185
 - 4.7 Responsibility in View of a State’s Willingness and Ability 192
 - 4.8 Considering Shared Responsibility 223
 - 4.9 Conclusions 226
- 5 United Nations High Commissioner for Refugees: Human Rights Obligations and Presence in Host States 228**
- 5.1 Introduction 228
 - 5.2 UNHCR’s Legal Personality and Autonomy 229
 - 5.3 International Law Obligations of UNHCR 234
 - 5.4 Qualifications for UNHCR’s Presence in the Territory of States 260
 - 5.5 Conclusions 270
- 6 United Nations High Commissioner for Refugees: International Responsibility 273**
- 6.1 Introduction 273
 - 6.2 The Legal Authority of the ARIO 275
 - 6.3 Wrongful Act and Breach of An International Obligation 278
 - 6.4 Attribution to UNHCR 280
 - 6.5 Uganda: A UNHCR Omission to Provide International Protection or Simply a “Bad Protection Job”? 284
 - 6.6 Circumstances Precluding Wrongfulness 297
 - 6.7 Considering Shared Responsibility 299
 - 6.8 Conclusions 308

- 7 United Nations High Commissioner for Refugees: Implementing Partners 310**
- 7.1 Introduction 310
 - 7.2 Factual and Historical Perspectives of Implementing Partnerships 313
 - 7.3 The Competence of UNHCR to Delegate Functions to Implementing Partners 316
 - 7.4 Process of Delegation and Contractual Relationship between UNHCR and Implementing Partners 324
 - 7.5 Attribution of Conduct by NGO Implementing Partners to UNHCR 332
 - 7.6 Conclusions 339

PART 4

Conclusions

- 8 Concluding Remarks and Suggestions for the Future 345**
- 8.1 UNHCR and Unwilling or Unable States 345
 - 8.2 UNHCR's Mandate of International Protection and Physical Security 347
 - 8.3 Clarifying UNHCR's Relationship with NGO Implementing Partners 351
 - 8.4 Refugee Camps: Better than Nothing or Simply Reservoirs of Rights Violations? 354
 - 8.5 Final Words 357
- Select Bibliography 359
- Index 393

